

State of Delaware

Violent Crimes Compensation Board 2008 Annual Report



Thomas W. Castaldi, Chairman

Leah W. Betts, Vice Chairwoman

V. Lynn Gregory, Commissioner Thaddeus A. Koston, Commissioner Stephanie I. Liguori, Commissioner

Barbara A. Brown, Executive Director

www.courts.delaware.gov/vccb



STATE OF DELAWARE

DELAWARE VIOLENT CRIMES COMPENSATION BOARD

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LETTER FROM BOARD CHAIRPERSON

I am pleased to present the Annual Report summarizing the activities of Delaware's Violent Crimes Compensation Board (VCCB) for the Fiscal Year ending June 30, 2008.

The VCCB was established in 1974 to alleviate financial burdens and lighten the anguish that crimes leave on all victims. The Mission of the VCCB is to promote the public welfare by establishing a means of meeting the additional hardships imposed upon victims of certain violent crimes, including the family and dependents of those victims.

Positive changes are taking place within the VCCB, and this Annual Report edition is an example of our continuing evolution. This installment expands on the content historically contained in these documents, with added background information about the agency. We have also sought to further bring the work of the VCCB down to the very human element it supports. We have included testimonials from victims served and agency investigators, stories that provide a telling glimpse into the important work of our agency.

We are pleased to include information on the VCCB's continuing quantifiable accomplishments in fulfilling our mission. Our agency's diligence in processing claims during the past fiscal year on behalf of crime victims in Delaware is reflected in the fact that a record total of over \$2.5 million (net, allowing for prior years subrogation) was awarded to victims of violent crimes and their families.

The compensation provided much-needed assistance in helping to rebuild lives affected by violent crime. Detail is provided in this Report about the types of crimes that victims suffered, the categories of expenses paid through the VCCB's awards, and our agency's funding sources.

The VCCB continues to strive to improve. With growing demands on tracking the work of our agency, and an eye toward fiscal responsibility, one noticeable example is that the VCCB is becoming more efficient and cost-effective in our use of technology. For instance, in addition to publishing this Annual Report, we have also posted complete records of Awards for FYE 2008 and a summary of case files on our website.

While many positive changes are occurring within our agency, there are also some gratifying constants. Through the years, the VCCB has continued to experience a great deal of commitment and cooperation from many individuals, agencies and programs. On behalf of fellow VCCB Members, Leah W. Betts (Vice Chairwoman), V. Lynn Gregory, Thaddeus A. Koston, and Stephanie I. Liguori, I would like to offer my sincere thanks to each individual who has contributed time and effort to help make the agency successful.

It remains our sincere desire to continue our work to help stabilize the lives of victims. We hope to continue to improve our services to all citizens in the state who needlessly suffer from the ill effects of violent crimes.

Who We Are

In 1988, Congress amended the 1984 Victims of Crime Act (VOCA) and established the Office for Victims of Crime (OVC). OVC is a federal agency within the Office of Justice Programs, U.S. Department of Justice. OVC was established to provide leadership and funding for victim compensation and assistance programs across the country.

Funding for OVC's programs comes from the Victims Crime Fund, which was established by VOCA to support victim services and training for advocates and professionals. Fund dollars come from criminal funds, forfeited bail bonds, penalties, and special assessments collected from offenders convicted of federal crimes.

Delaware's history of assisting victims of violent crime actually predates the creation of OVC. In 1974, the State's General Assembly created the Victim's Compensation Fund. This Fund was established to help innocent victims of certain crimes meet additional hardships imposed upon them due to those crimes, by covering them for some of their losses sustained.

Funding for Delaware's Fund is generated by a surcharge on fines and penalties imposed by the Courts. A substantial amount of federal funds are also provided through programs pursuant to the federal VOCA. The General Assembly periodically adjusts the amount of the Fund balance that may be carried over from one fiscal year to the next.

With the original bill, the Violent Crimes Compensation Board (VCCB) was also created. The VCCB manages the funds, receives and reviews applications for assistance, and makes determinations regarding the awarding of compensation. The VCCB and its staff are considered a separate agency within the Administrative Office of the Courts.

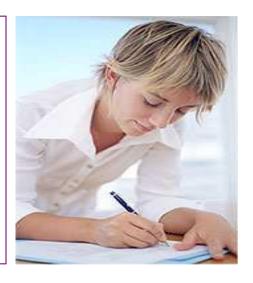
Funding for Delaware's Fund is generated by a surcharge on fines and penalties imposed by the Courts. No tax dollars are used to fund the VCCB

Who can get help?

Victims and their families who have been physically or emotionally injured by a crime in Delaware.

Victims of domestic violence.

Victims of criminal offenses including murder, assault, kidnapping, arson, burglary, sexual assault, or sexual abuse.



What We Do

Violent crimes are **intentional** acts by persons against persons or property that inflict physical harm or threaten to do so. Violent crimes are often marked by hatred or anger, and an incredible disregard for the worth and rights of another human being.

The intense ... and often unexpected ... nature of violent crimes often leaves victims physically and emotionally shaken. That's where the VCCB comes in.

When the world of someone is overturned by a violent act, the VCCB Is a resource to which they can turn. Our agency provides support to innocent victims to help them begin to restore their lives.

Because of the very personal nature of our work, what we do is sometimes best described by the very people we assist.

In this Report, we've interspersed testimonials from persons we have helped and first-hand accounts of our own Staff Investigators, beginning with the one on the right.

"I was coming out of a bar when I noticed someone falling to the ground. I tried to help that individual get up and before I knew I had been punched two or three times in the face by the individual I was trying to help. As you can imagine, I was taken completely by surprise.

I then realized that I had been seriously hurt and needed medical attention. Unfortunately my eye socket was severely damaged and I need extensive medical care. The bills total over \$10,000 and I lost time from the business that I own. Not being able to work was very difficult as I am the sole financial provider for my wife and two young children.

I applied to Violent Crimes for help in paying these medical bills as well as the loss of time from my company. I even received compensation for the 80 mile round trips that I incurred to see the numerous doctors who helped to treat my injuries.

Thanks to Violent Crimes I was able to continue to support my family and pay my bills."



Pursuant to statute, the VCCB's powers and duties include:

- Administer the Victims Compensation Fund, with the sole responsibility of awarding compensation to victims of crimes;
- Appoint an Executive Director and up to eight additional employees;
- Obtain the services of other governmental agencies upon request;
- Adopt, promulgate, amend, and rescind rules and regulations;
- Receive, investigate, and act upon applications for compensation;
- Publish reports and other data on its investigations and research;
- Provide the Governor and General Assembly annually with a written report of its activities and recommendations; and,
- Provide indemnification claim forms and specify the information to be included in such forms.

A Place To Turn To

"My husband struck me in the face causing extensive dental damage. The damage affected what I was able to eat on a daily basis.

I was unable to find a new job until I had the dental work performed because in my field of employment, I deal with the public.

Since I had no dental insurance, I turned to Violent Crimes for help with paying these expenses. I am so thankful that a place like Violent Crimes exists.

Now as I go about my daily duties, I have much to smile about."

What Losses may be paid?

- •Medical and/or dental expenses for the victim.
- •Mental health treatment or counseling.
- •Wage or income loss.
- •Income loss to the custodian of a child victim while providing care to the victim.
- •Support loss for dependents of a deceased or disabled victim.
- •Support loss for victims dependent on an incarcerated domestic offender.
- •Funeral and/or burial expenses.
- •Moving/Relocation Expenses.
- •Temporary Housing.
- •Essential Personal Safety equipment.
- Change of locks.
- •Replace items seized as evidence.

Eligibility Requirements

- The crime must be reported to law enforcement within 72 hours, unless waived by the VCCB.
- An application must be filed with the VCCB within 1 year of the crime, unless extension granted by the VCCB.
- Cooperate with law enforcement agencies in the apprehension and conviction of the perpetrator.
- Cooperate with the VCCB staff and provide all information requested.
- The victim must not have caused or contributed to his/her injury or death.



What We Did in FY 2008

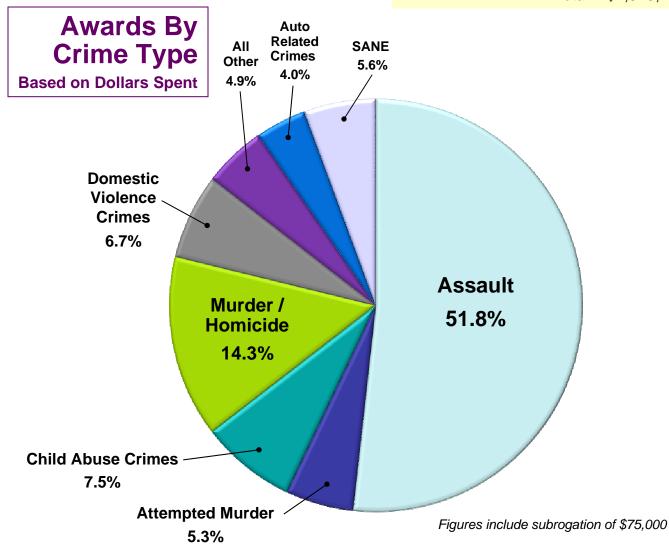
For the State Fiscal Year ending June 30, 2008, the DE VCCB granted 519 awards to victims and their families totaling over \$2.5 million. The dollars spent represented the largest amount in history of the DE VCCB.

Among the areas that grew most significantly in 2008 (as a percent of total from 2007 levels) were Domestic Violence Crimes (up 5.2%) and Child Abuse Crimes (up 2.7%).

Assault: \$1,300,803 Murder/Homicide: \$358,274 Child Abuse Crimes: \$187,795 Domestic Violence Crimes: \$168,025 Forensic Medical Exams (SANE): \$141,515 Attempted Murder: \$133,583 Auto Related Crimes: \$100,561

Awards By Crime Type:

All Other: \$122,700 Total: \$2,513,256



For complete records of Awards for FYE 2008, and a Summary of Case Files, please visit our website.

Types of Support in FY 2008

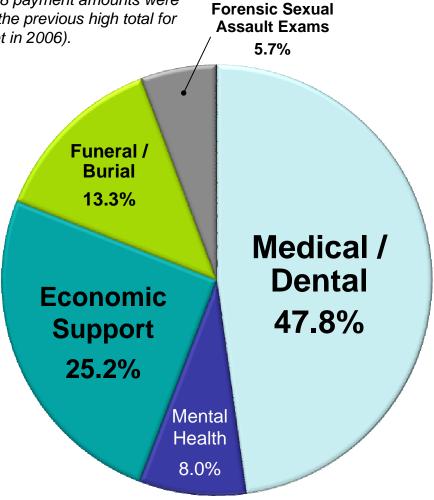
Expenses By TypeOf Service

Based on Dollars Spent

The total claim amounts paid to victims and their families in FY 2008 exceeded the prior year's levels by over 36%.

Moreover, the 2008 payment amounts were **21%** greater than the previous high total for any given year (set in 2006).

Expenses By Service:	
Medical Dental:	\$1,201,548
Economic Support:	\$ 632,776
Funeral/Burial:	\$ 333,799
Mental Health:	\$ 201,438
Forensic Sexual Assault Exams:	\$ 142,196
Other (Attorney Fees):	\$ 1,499
Total:	\$2,513,256



Other expenses (attorney fees) = 0.1%. Figures include subrogation of \$75,000

For complete records of Awards for FYE 2008, and a Summary of Case Files, please visit our website.

Who We Helped in FY 2008

Awards By Age:

 18-64:
 423

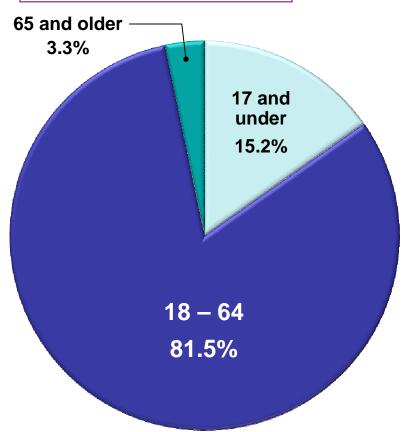
 17 and under:
 79

 65 and older:
 17

 Total:
 519

Awards By Age

Based on Number of Claims



Figures do not include Child Counseling & Assessment Program (CCAP) or Forensic Medical Exams (SANE)

A VCCB Investigator recounts an every day occurrence ... a simple trip to the store ... that led to another random tragedy.

"The victim had left work and was walking home to drop off some items. Shortly thereafter, he left his residence on his way to the store when he was attacked by two unknown suspects, one of whom beat him with a stick. He suffered several lacerations to the head and face area, plus injury to his left arm.

This victim had no insurance and VCCB was able to assist with paying his medical expenses. This type of claim is fairly typical to our agency. While this example may not seem too severe, these random acts of violence definitely impact innocent individuals physically, emotionally and financially."

For complete records of Awards for FYE 2008, and a Summary of Case Files, please visit our website.

Funding in FY 2008

The Crime Victims Fund (the Fund), established by the Victims of Crime Act of 1984 (VOCA), is a major funding source for victim services throughout the Nation, including Delaware's VCCB.

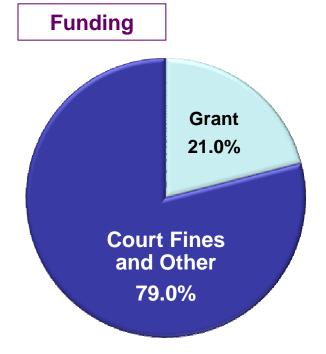
Millions of dollars have been deposited into the Fund annually from criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys' Offices, federal U.S. courts, and the Federal Bureau of Prisons.

To date, Fund dollars have always come from offenders convicted of federal crimes, not from taxpayers.

Behind every number is a real, personal, story of hardship and pain ... and <u>hope</u>. A VCCB investigator provides an example.

Another victim was working in a restaurant, when he was assaulted by a co-worker. He suffered serious physical injuries and was taken to the ER as a result. However, due to the circumstances of the incident, he was not covered under workman's compensation. He had no medical insurance and had substantial medical bills.

The police victim's service specialist referred him to VCCB. The documentation was submitted to the Board for review and he awarded compensation for his medical expenses. The VCCB often able to help innocent victims who are not eligible for other assistance.



Pursuant to statute, a mandatory penalty assessment is placed as a surcharge on every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses. Penalty assessments are sent to the VCCB to be deposited into a revenue holding account entitled "Victims Compensation Fund."

For FYE 2008, fines and restitution amounts contributed over \$2.7 million, or 79%, of program funding. The VCCB also received federal funds under the provisions of the Victims of Crime Act of 1984. The \$720,000 received in 2008 (for the 2007 Federal Grant) accounted for the remaining 21% of Federal funding.

Fund Balance as of FYE 2008: \$7,598,685

(Consists of Federal funds of \$1,541,674 and State funds of \$6,057,011)

The Evolution of Our Help

Legislative Initiatives

Many legislative additions and amendments have been made throughout the years to accommodate the changing needs of crime victims, and to increase and protect program funding.

The following amendments have impacted the VCCB's development:



- The percentage assessment for the Victims Compensation Fund has increased from 10% in 1974; to 15% in 1982; and to the present 18%.
- The maximum award payable (except in cases of total permanent disability) has increased from \$10,000 to \$20,000 (1984) to \$25,000 (1989).
- There have been substantial revisions of the Act in 1976, 1992, 1998, 2000, and 2004. The law was also amended to create partial exceptions under the Freedom of Information Act, to limit access to Board investigative files and allow closed hearings in sensitive cases.
- A provision on VCCB conflict of Interest was added in 1985.
- The authority to hire VCCB staff has increased from five to six (1988) to eight (1990) employees.
- The compensation paid to VCCB members increased over the years from \$1,000 to \$5,000 (1990) and in 2000 to its current level of \$10,000 annually (with the Vice Chairperson receiving \$11,000 and the Chairperson \$12,000 annually).
- The statute was amended in 1986 to ensure that crimes were reported to the police in a timely fashion.
- In 1988, the scope of the VCCB's authority was extended to cover Delaware residents victimized in other states.
- The statute was expanded in 1989 to cover acts of delinquency committed by juveniles, and to require adjudicated juveniles to pay the assessment to the Fund.
- Limits to the reopening of claims, and the elimination of compensation in the case of suicide and for participants in illegal drug activity, were enacted in 1991.
- In 1993, the definition of "pecuniary loss" was expanded to allow limited claims by "secondary victims" close relatives of a crime victim.
- Reimbursement for the cost of forensic examinations of victims of sex offenses was added in 1995.
- In 1998, the amendment provided for expedited payment for psychological assessment and counseling of child victims.
- The statute was recently amended to include coverage for offenses involving sexual assault and to provide an exception to the one-year filing requirement in the case of child victims of such crimes.

Much More Than Just Numbers

A victim came to VCCB to apply for moving/relocation assistance, mental health counseling benefits as well as loss of earnings. She was physically and emotionally injured by her boyfriend and as a result was suffering from post-traumatic stress disorder. She was so fearful of him finding her and revictimizing her that she was out of work for two months.

When she first approached VCCB, the victim needed help with paying the security deposit and the first month's rent so that she and her teenage daughter could live without fear that the perpetrator would harm them.

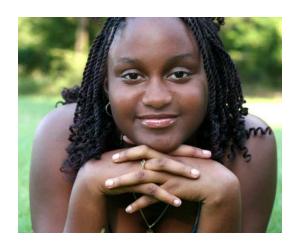
Violent crimes approved the moving and relocation expenses, mental health counseling, and the loss of earnings. Receiving this financial assistance helped the victim return to her job sooner and helped her feel safe once again in her own home.

We just received the following note from her:

"I just wanted to thank all of you for all the help you gave me through my trying times. I am so grateful to have had the help and support I was given at Violent Crimes.

Hopefully my life will be better from this time on. I am now working full time and have a new apartment out of the city in a great area. I am much happier now.

Thanks again."



Our Continued Evolution: Recommendations from The VCCB

The VCCB is continually looking for ways to improve its efficiency and value to the many Delawareans it serves. With an eye toward continual improvement, the VCCB periodically identifies opportunities for enhancing performance. Current areas of focus include the following categories:

- Revise the procedures for claims processing to include new technology and reduce the amount of paperwork.
- Develop a new application form using examples from other states.
- Institute an automated claims tracking system that follows the course of a claim from when it is filed through when payments are made. Existing tracking systems across other state agencies can serve as prototypes for this important initiative.
- Work with police-based victim advocates and other interested parties to review and develop new policies and regulations for the major benefits of VCCB awards.
- Develop outreach, education, and training programs for VCCB benefits. VCCB staff are working with advocates and others to make them aware of the program and increase the number of eligible victims who apply for benefits.
- Implement a client-friendly call center to enhance customer service to citizens in need of the VCCB's services.
- Update the VCCB's website to include an online, user-friendly, application for assistance.
- Improve the work flow to reflect future automation and ensure that payments are being processed in an accurate, timely, fashion.

On an ongoing basis, the VCCB's Executive Director is researching the methods used by other state to award benefits to victims. All regulations, operating policies and procedures are being reviewed with an eye toward improvement opportunities.

Contact Us

State of Delaware Delaware Violent Crimes Compensation Board

240 N. James Street, Suite 203 Newport, DE 19804

Telephone: (302) 995-8383

Fax: (302) 995-8387

Visit us on the Web: www.courts.delaware.gov/vccb

Other Available Resources:

Delaware Victim Center

1-800-VICTIM-1 (In-State Only)

Delaware Department of Justice Victim Service Unit (302) 577-8841

Delaware Helpline

1-800-464-4357 (In-State) 1-800-273-9500 (Out-of-State) Ask for the VCCB